

### **REMARKS**

This is a full and timely response to the non-final Office Action of July 25, 2003. By the present Amendment, the claims have been amended to more particularly and distinctly point out the novelty and non-obviousness of the present invention. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Amendment, claims 1-21 and 29 remain pending in this application. Claims 1, 8 through 21 and 29 have been directly amended herein, and it is requested that claims 22-28 and 30 be canceled without prejudice. It is believed that the foregoing amendments and additions add no new matter to the present application.

As described in the specification for the present application, one aspect of the present invention provides a system and method for enabling users of a wireless communication device to establish purchase notification criteria which will enable them to be notified via a plurality of formats of potential purchasing opportunities which match their criteria. The input from the user need not be price information (e.g., asking the system to notify the user when a particular product is found at a particular price), and can be scheduling, location, and/or personal interest information. The message delivery to the user can be formatted depending on how the user desires to be notified (e.g., spoken, SMS, e-mail, WAP, etc.). Further, the user can specify a first notification format if a first set of conditions are met, and a second notification format if a second set of conditions are met.

The present invention thus enhances the user's ability to customize communications for initiating and consummating a transaction. For instance, in the examples described in the specification of the present application, a user is able to: compare prices in a physical store with prices available from the Internet; receive information about stores closest to the user with available desired products; and input speech to a voice wallet for user authentication which thereby allows completion of a purchase. The present invention is fully customizable, allowing the user to enter and receive speech or non-verbal input, and further allowing the user to designate format of message based upon the user's purchase notification criteria. The present invention is useful to, among others, consumers, producers, distributors and retailers.

By the present Amendment, the claims have been amended in order to more particularly point out such novel and non-obvious features of the present invention. For example, claim 1 has been amended to indicate that the user accesses his or her voice wallet, which authenticates the user's voice and allows the user to continue with a commercial transaction. Claim 8 has been amended to indicate that the system of the present invention allows the user to establish location notification criteria, and claim 15 has been amended to indicate that one method of the present invention allows the user to establish schedule notification criteria which provides a time condition upon which the user is to be notified. Claim 29 incorporates the aspect of the invention where the user can select a format from multiple formats to designate how the notification should be sent when the user's notification conditions are met. For example, the user can elect to be notified by SMS message when a desired product reaches a price in the user's desired range, or the user can elect to be notified by e-mail message when a certain retailer is having a sale on products. Claims 9

through 14 and 16 through 21 have been amended in accordance with the amendments to the respective independent claims from which they depend.

By providing a system and methods which operate according to amended claims 1, 8, 15 and 22, the present invention facilitates customization of user communications and ultimately facilitates user participation in commercial transactions.

#### **Response to claim objection**

The Examiner has objected to claim 29 as having improper wording. As the present amendment removes the word “spoken” altogether from claim 29, it is believed that the Examiner’s objection is traversed.

#### **Response to §102 and §103 rejections**

The Examiner has rejected claims 1-30 under either 35 USC §102(e) or §103(a) as being unpatentable over various references. On the basis of the foregoing amendments and the remarks that follow, Applicant submits that these rejections have been traversed.

Applicant submits that none of the references of record, taken either singly or in combination, teaches or suggests the claims as presently amended. The Zirngibl et al. reference (Zirngibl) cited by the Examiner describes a system for using voice-based communication to drill down into details of information available by telephone. While Zirngibl allows a user to select between having a scheduled service and an alert service, there is no teaching or suggestion in Zirngibl of a system or method according to Claims 1, 8, 15 and 29 as amended. Specifically, Zirngibl does not teach receiving second spoken input from a wireless device for accessing a voice wallet to authorize a purchase transaction, as claimed in amended claim 1. Nor does

Zirngibl teach obtaining purchase notification criteria, not to include price-related information, in the form of a user location (claim 8 as amended) or schedule information (claim 15 as amended), and then subsequently retrieving purchasing opportunities based, at least in part, on the non-price related purchasing criteria obtained from the user. Further, Zirngibl does not teach or suggest the step of receiving a user condition associated with a notification format, said format being one of a WML, SMS or SMTP format, as claimed in amended claim 29. While the Examiner cited the Salo et al. (Salo), Lohtia et al. (Lohtia), and McAllister et al. (McAllister) references for the separate propositions of delivering responses using WML, SMS and SMTP, respectively, Applicant submits that it would not have been obvious to receive from a user a choice for notification format as part of the user's purchase notification criteria.

For a claim to be properly rejected under 35 USC §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 USPQ2d 871, 881 (CCPA 1981). Applicant submits that the combined teachings of the references of record do not suggest all features of the claimed invention as presently claimed in amended claims 1, 8, 15 and 29.

Further, Applicant submits that the Julia et al. reference (Julia) cited by the Examiner is concerned with providing a voice-driven front end to enable users to navigate through an existing non-voice data navigation system. The Julia reference is not concerned with user transactions, and therefore does not contemplate incorporating a voice wallet as claimed in amended claim 1. Nor does the Julia reference teach or suggest incorporating the receipt of purchase notification

criteria, including non-price related information such as schedule and location information, as claimed in amended claims 8 and 15, respectively. Further, the Julia reference does not contemplate including a user condition associated with a notification format, said format being one of a WML, SMS or SMTP format, as claimed in amended claim 29.

### CONCLUSION

Based on the foregoing, Applicant submits that the rejection of the presently pending claims based on the cited references should be withdrawn. Applicant thus believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below. A three-month extension of time is being filed simultaneously with this Amendment. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of the required fees.

Respectfully submitted,



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Attached: Petition for extension of time for 3 months

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